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9 JOSE BONILLA

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12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA,

15 CASE NO. CR-07-00251 RMW

16 Plaintiff,

17 DECLARATION OF COUNSEL RE  
18 MOTION OF JOSE BONILLA  
19 TO WITHDRAW PLEA OF GUILTY

20 vs.

21 JOSE BONILLA,

22 Defendant.

23 I, ROBERT E. CAREY, JR., declare:

24 1. I am an Attorney licensed to practice law in the State of California  
25 and before this Court.

26 2. I have been appointed by the Court to represent JOSE BONILLA in  
27 this matter.

28 3. I make this declaration in support of Mr. BONILLA'S motion to  
withdraw his plea of guilty in this matter.

29 4. On information and belief, I believe that Lara Vinnard of the Federal  
30 Public Defender's Office, if called as a witness, would testify as follows.

31 5. That she is an Assistant Federal Public Defender in the Northern  
32 District of California, San Jose office.

33 6. That she has been so employed during all of the time periods  
34 relevant to the court proceedings in the above-referenced matter.

1       7. That she represented JOSE BONILLA at the bail hearing, initial  
2 arraignment, and at the entry of the plea of guilty to both counts of the  
3 indictment, which is at issue in this motion.

4       8. That prior to the entry of the plea of guilty in this matter, she  
5 believed that JOSE BONILLA was a citizen of the United States.

6       9. That following the entry of the plea of guilty in this matter, she left  
7 the courtroom with Mr. BONILLA, his wife, and Douglas Cole, an investigator  
8 in the Federal Public Defender's Office. The four of them spoke outside the  
9 courtroom, and Patty Bonilla stated words to the effect of Jose is not a citizen,  
10 how will this affect him? Further, Ms. Vinnard responded with words to the  
11 effect that she was unaware that JOSE BONILLA was not a citizen.

12      10. That during that discussion, Mrs. Bonilla stated that she had told  
13 Mr. Cole during a recent meeting that Mr. BONILLA was not a citizen. Ms.  
14 Vinnard was not present at that meeting because she had been out of town.  
15 Mr. Cole confirmed to her that, during their meeting, Mrs. Bonilla had told him  
16 that Mr. BONILLA was not a citizen. Mr. Cole also confirmed that he did not  
17 relay that information to Ms. Vinnard prior to the entry of the plea.

18      11. That thereafter, Ms. Vinnard informed both Mr. and Mrs. Bonilla that  
19 there was a conflict in this matter and that she would arrange for Mr. BONILLA  
20 to have new appointed counsel, so that this matter could be resolved.

21      I declare under the penalty of perjury under the laws of the State of  
22 California that the foregoing is true and correct, except as to those matters  
23 stated on information and belief, and those I believe to be true. Executed this  
24 19th day of February, 2009, at Palo Alto, California.

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/s/  
ROBERT E. CAREY, JR.

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